

OFFICE OF THE  
COUNTY COUNSEL

March 25, 2015

Steven M. Woodside  
COUNTY COUNSEL

Jack F. Govi  
ASSISTANT COUNTY COUNSEL

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SUPERVISING DEPUTY

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David L. Zaltsman  
Michele Keno  
Patrick M. K. Richardson  
Stephen R. Raab  
Steven M. Perl  
Sheila Shah Lichtblau  
Edward J. Kiernan  
Jessica Mills Sutherland  
Brian C. Case  
Jenna J. Brady  
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Honorable Jacqueline Scott Corley  
San Francisco Courthouse  
Courtroom F, 15th Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102

Re: Frary, et al. v. County of Marin, et al.  
Case No. 12-cv-03928-MEJ

Dear Judge Corley:

Pursuant to the notice and order regarding settlement conference, County Defendants hereby respectfully request permission for the County's insurance carrier representative, Ken Maolini, to appear telephonically at the mandatory settlement conference on May 6, 2015.

Mr. Maolini is unavailable to personally attend the mandatory settlement conference in San Francisco on May 6, 2015, due to prior work commitments. Accordingly, it would be a hardship for Mr. Maolini to personally attend. As trial lead counsel for County Defendants, I will personally attend the mandatory settlement conference with full settlement authority on Mr. Maolini's behalf.

None of the other parties object to Mr. Maolini's attendance at the mandatory settlement conference via telephonic standby. Please see attached email correspondence from counsel.

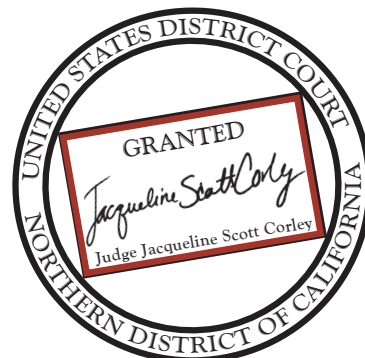
Very truly yours,

  
Renee Giacomini Brewer

Enclosures

cc: David Fiol (via electronic filing only)  
Richard Osman (via electronic filing only)  
Cabral Bonner (via electronic filing only)

Dated: 3/26/2015



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**From:** Gerchow, Kerry  
**Sent:** Monday, March 23, 2015 1:33 PM  
**To:** Dooley, Amber  
**Subject:** FW: FW: meet and confer re: carrier representative

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**From:** Brewer, Renee  
**Sent:** Monday, March 23, 2015 11:10 AM  
**To:** Gerchow, Kerry  
**Subject:** FW: FW: meet and confer re: carrier representative

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**From:** David Fiol [<mailto:dfiol@bfplawyers.com>]  
**Sent:** Monday, March 23, 2015 11:06 AM  
**To:** Brewer, Renee; [Rosman@bfesf.com](mailto:Rosman@bfesf.com); Cabral Bonner  
**Subject:** Re: FW: meet and confer re: carrier representative

Renee, we won't object to any arrangement you work out with the Court.

*Please note my new email address*

=====

**David L. Fiol**  
Brent, Fiol & Pratt LLP  
One Embarcadero Center, Suite 2860  
San Francisco, CA 94111  
■ Tel: 415.839.8370 ■ Direct: 415.259.4420  
<http://www.bfnlaw.com/attorney/david-l-fiol/>

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On 3/23/2015 10:46 AM, Brewer, Renee wrote:

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**From:** Brewer, Renee  
**Sent:** Monday, March 23, 2015 10:46 AM  
**To:** 'David Fiol ([dfiol@bfnlaw.com](mailto:dfiol@bfnlaw.com))'; 'Richard Osman'; 'Cabral Bonner' ([cabral@bonnerlaw.com](mailto:cabral@bonnerlaw.com))'  
**Cc:** Gerchow, Kerry  
**Subject:** meet and confer re: carrier representative

Counsel,

Pursuant to Judge Corley's Settlement Conference Standing Order, I write to meet and confer regarding the unavailability of the County's insurance carrier representative, Ken Maolini, to be present at the May 6<sup>th</sup> settlement conference. I believe counsel would prefer for the settlement conference to occur on the 6<sup>th</sup> rather than the County defendants seeking a new date due to Mr. Maolini's unavailability. Mr. Maolini will be on phone standby and I will have authority to negotiate a settlement.

The relevant portions of Judge Corley's standing order:

2. Lead trial counsel shall appear at the Settlement Conference with the parties. Any party who is not a natural person shall be represented by the person(s) with **unlimited** authority to negotiate a settlement. An insured party shall appear with a representative of the carrier with full authority to negotiate up to the limits of coverage. A person who needs to call another person not present before agreeing to any settlement does not have full authority.

3. Personal attendance of a party representative will rarely be excused by the Court. To nonetheless seek to excuse a party from personally attending a settlement conference, counsel for that party shall meet and confer with counsel for all other parties to determine if there are any objections to the moving party's absence. Counsel must then lodge a letter with the Court, with copies to all parties, seeking to excuse the party's participation. The letter shall recite the reasons for seeking the party's absence, as well as whether the other parties agree or object to the request and the reasons for any objection. The application to excuse a party must be lodged no later than the lodging of the Settlement Conference Statement.

Accordingly, please let me know if you object to Mr. Maolini not being at the Settlement Conference; moreover, if you would prefer I seek another date to ensure his presence, please let me know that as well.

Thank you.

Renee

Renee Giacomini Brewer  
Supervising Deputy County Counsel  
3501 Civic Center Drive, Suite 275  
San Rafael, CA 94903  
(415) 473-6117  
[Rbrewer@marincounty.org](mailto:Rbrewer@marincounty.org)

Email Disclaimer: <http://www.marincounty.org/main/disclaimers>

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**From:** Richard Osman [<mailto:rosman@bfesf.com>]  
**Sent:** Monday, March 23, 2015 11:12 AM  
**To:** Brewer, Renee; 'David Fiol'; 'Cabral Bonner'  
**Cc:** Gerchow, Kerry  
**Subject:** RE: meet and confer re: carrier representative

Hi Renee,

Having Ken on telephone standby is okay with us.

Rich

Richard W. Osman  
Bertrand, Fox, Elliot, Osman & Wenzel | 2749 Hyde Street | San Francisco, California 94109 | 415-353-0999 x104

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**From:** Brewer, Renee [<mailto:RBrewer@marincounty.org>]  
**Sent:** Monday, March 23, 2015 10:46 AM  
**To:** 'David Fiol' ([dfiol@bfnlaw.com](mailto:dfiol@bfnlaw.com)); 'Richard Osman'; 'Cabral Bonner' ([cabral@bonnerlaw.com](mailto:cabral@bonnerlaw.com))  
**Cc:** Gerchow, Kerry  
**Subject:** meet and confer re: carrier representative

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To nonetheless seek to excuse a party from personally attending a settlement conference, counsel for that party shall meet and confer with counsel for all other parties to determine if there are any objections to the moving party's absence. Counsel must then lodge a letter with the Court, with copies to all parties, seeking to excuse the party's participation. The letter shall recite the reasons for seeking the party's absence, as well as whether the other parties agree or object to the request and the reasons for any objection. The application to excuse a party must be lodged no later than the lodging of the Settlement Conference Statement.

Accordingly, please let me know if you object to Mr. Maolini not being at the Settlement Conference; moreover, if you would prefer I seek another date to ensure his presence, please let me know that as well.

Thank you.

Renee

Renee Giacomini Brewer  
Supervising Deputy County Counsel  
3501 Civic Center Drive, Suite 275  
San Rafael, CA 94903  
(415) 473-6117  
[Rbrewer@marincounty.org](mailto:Rbrewer@marincounty.org)

Email Disclaimer: <http://www.marincounty.org/main/disclaimers>

## Brewer, Renee

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**From:** A. Cabral Bonner <cabral@bonnerlaw.com>  
**Sent:** Tuesday, March 24, 2015 9:39 AM  
**To:** Brewer, Renee; 'Richard Osman'; 'David Fiol'  
**Cc:** Gerchow, Kerry  
**Subject:** Re: meet and confer re: carrier representative

I'm fine with telephone standby.

Cabral

Cabral Bonner  
**Law Offices of Bonner and Bonner**  
475 Gate Five Rd., Suite 212  
Sausalito, CA 94965  
415-331-3070 (phone)  
415-331-2738 (fax)  
[cabral@bonnerlaw.com](mailto:cabral@bonnerlaw.com)

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**From:** "Brewer, Renee" <[RBrewer@marincounty.org](mailto:RBrewer@marincounty.org)>  
**To:** 'Richard Osman' <[rosman@bfesf.com](mailto:rosman@bfesf.com)>; 'David Fiol' <[dfiol@bfnlaw.com](mailto:dfiol@bfnlaw.com)>; "Cabral Bonner" <[cabral@bonnerlaw.com](mailto:cabral@bonnerlaw.com)>  
**Cc:** "Gerchow, Kerry" <[KGerchow@marincounty.org](mailto:KGerchow@marincounty.org)>  
**Sent:** Tuesday, March 24, 2015 7:31 AM  
**Subject:** RE: meet and confer re: carrier representative

Hi Cabral,

I have Rich and David's okay to move forward with a letter to the Court regarding telephone standby for Ken Maolini. Can you please let me know whether you oppose this or not?

Thanks,

Renee

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**From:** Richard Osman [<mailto:rosman@bfesf.com>]  
**Sent:** Monday, March 23, 2015 11:12 AM  
**To:** Brewer, Renee; 'David Fiol'; "Cabral Bonner"  
**Cc:** Gerchow, Kerry  
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**To:** 'David Fiol' ([dfiol@bfnlaw.com](mailto:dfiol@bfnlaw.com)); 'Richard Osman'; 'Cabral Bonner' ([cabral@bonnerlaw.com](mailto:cabral@bonnerlaw.com))

**Cc:** Gerchow, Kerry

**Subject:** meet and confer re: carrier representative

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